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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria,* Egypt, Jordan,* Morocco,* Saudi Arabia: draft resolution

34/... Effects of terrorism on the enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/158 of 16 December 2005, 60/288 of 8 September 2006, 64/297 of 8 September 2010, 66/10 of 18 November 2011 on the United Nations Counter-Terrorism Centre established on the initiative of the United Nations and Saudi Arabia, 68/178 of 18 December 2013, 68/276 of 13 June 2014, 69/127 of 10 December 2014 and 70/148 of 17 December 2015, Commission resolution 2004/44 of 19 April 2004 and Human Rights Council resolutions on terrorism and human rights, including 28/17 of 26 March 2015 and 31/30 of 24 March 2016,

Reaffirming its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, adopted by the General Assembly in its resolution 60/288, and its fifth review[1]

Reaffirming also the right of the people to live in peace, freedom and security and to be protected at all times from the threat of terrorism,

* State not a member of the Human Rights Council.

[1] See General Assembly resolution 70/291.

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Reaffirming further that everyone has the right to life, liberty and security of person, as enshrined under article 3 of the Universal Declaration of Human Rights,

Reaffirming that civil, political, economic, social and cultural rights are universal, indivisible, interdependent and interrelated, as enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Mindful that terrorism may destabilize Governments, undermine societies, jeopardize peace and security and threaten economic and social development, all of which have serious implications for the enjoyment of human rights by all,

Reaffirming that States, under international human rights law, have a due diligence obligation to protect individuals under their jurisdiction from acts of terrorism, to take effective counter-terrorism measures and to investigate and prosecute those responsible for carrying out such acts, and emphasizing the importance of ensuring that counter-terrorism laws and practices are human rights-compliant,

Recognizing that counter-terrorism measures and the protection of human rights are complementary and mutually reinforcing, and must be pursued together as part of the duty of States to protect individuals within their jurisdiction,

Reaffirming the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights law and international humanitarian law, as applicable,

Recognizing that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the underlying factors that give rise to terrorism,

Renewing its unwavering commitment to strengthening international cooperation to prevent and combat terrorism in all its forms and manifestations,

Taking note with appreciation of the report of the United Nations High Commissioner for Human Rights on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms submitted to the Human Rights Council at its thirty-fourth session,[2]

Recognizing that international cooperation and any measures taken by Member States to prevent and combat terrorism must fully comply with their obligations under international law, including the Charter, in particular the purposes and principles thereof, and other relevant international conventions and protocols, international human rights law and international humanitarian law, as applicable,

Emphasizing that mutual respect, tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to this end,

Reaffirming its strongest condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, and emphasizing that terrorism cannot and should not be associated with any religion, nationality or civilization,

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[2] A/HRC/34/40.

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, and the need to continue the fight against terrorism, while promoting and respecting human rights and fundamental freedoms, including through international cooperation and by strengthening, as appropriate, the role of the United Nations in this respect,

Recognizing that terrorism has a detrimental effect on the enjoyment of human rights and fundamental freedoms, such as the right to life, liberty and security of person, and impedes the full realization of economic, social and cultural rights, such as the rights to work, education, health and development, threatening the territorial integrity and security of States, rule of law and democracy and ultimately representing a grave threat to the functioning of societies and to international peace and security,

Expressing its continuing concern at the increasing flow of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to prevent this phenomenon,

Reiterating that all States should fulfil their responsibilities to deny all forms of support for terrorists and terrorist groups, particularly political, military logistical and financial support, including through the collection of funds by their nationals or persons in their territories, or availing financial assets, for the benefit of terrorist groups or individual terrorists for any purpose, to deny the provision of safe haven to terrorists, to prevent terrorists from benefiting directly or indirectly from ransom payments to terrorist groups, and to bring to justice or, where appropriate, extradite, on the basis of the principle of extradite or prosecute, the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning, preparation or perpetration of terrorist acts or in providing safe havens,

Welcoming political commitments, actions and initiatives taken and adopted against kidnapping for ransom in different forums, such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists,

Deeply concerned at the serious crimes committed by terrorist groups and individuals, including foreign terrorist fighters, that have targeted persons and groups on the basis of their ethnic and religious background and involved gross human rights abuses,

Deploring attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including any deliberate destruction of relics, monuments and religious sites,

Recalling its resolution 16/18 of 24 March 2011 and its follow-up resolutions, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and calling for their effective implementation by the international community in order to contribute to a more conducive environment to countering hate speech and violence, including ethnic or religious stigmatization and discrimination,

Affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of human rights, including the right to life, liberty and security of person, as stipulated in article 3 of the Universal Declaration of Human Rights;

2. *Expresses its concern* that terrorists and terrorist groups have targeted governments, communities and individuals, including on the basis of religion and/or ethnicity;

3. *Expresses concern* at the alarming number of victims caused by the escalating level of terrorist attacks throughout the globe, resulting in numerous casualties and destruction;

4. *Acknowledges* that terrorist attacks have a grave impact on the economy and can harm several economic sectors, including the financial sector and tourism industry, thus hampering the full realization of human rights, fundamental freedoms and development;

5. *Recognizes* that terrorism affects the enjoyment of economic, social and cultural rights, especially by diverting foreign direct investment, reducing capital inflows, destroying infrastructure, hindering public investment, limiting trade, impeding economic growth and increasing security costs;

6. *Reaffirms* the primary responsibility of States to protect persons in their territory by preventing and countering terrorism in all its forms and manifestations, in full compliance with their international law obligations, and urges States, while countering terrorism, to respect and protect all human rights;

7. *Strongly condemns* terrorist acts and violence committed against civilians by terrorist groups and the continued systematic and widespread abuses of human rights perpetrated by such groups, and reaffirms that terrorism cannot and should not be associated with any religion, nationality or civilization, and urges the international community to do all it can to prevent any political, logistic or financial support from reaching terrorist groups;

8. *Expresses concern* at the increase in kidnapping and hostage-taking with demands for ransom and/or political concessions being made by terrorist groups, and expresses the need to address this issue;

9. *Reiterates* the obligation of States to prevent and suppress the financing of terrorist acts, including ransom payment, and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, to carry out terrorist acts;

10. *Reaffirms* the obligation of States to refrain from supporting terrorist groups in establishing propaganda platforms inciting to hatred and violence through electronic or satellite means or any other media on their territory;

11. *Urges* States to take appropriate measures to duly investigate the incitement, preparation or perpetration of acts of terrorism, and to bring to justice those engaged in such acts in accordance with national criminal laws and procedures and international human rights law, as applicable;

12. *Also urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with the good practices set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes the development of national centres for counsel and de-radicalization that can play an important role along with criminal justice responses, and

in this regard welcomes the role of the Mohamed bin Naif Counselling and Care Centre in countering terrorist ideologies and activities;

13. *Expresses its concern* at the increasing use, in a globalized society, by terrorists and their supporters of information and communications technology, in particular the Internet and other media, to advocate, commit, incite, recruit for, fund or plan terrorist acts, urges States to take appropriate preventive measures in this regard while acting in full compliance with their international law obligations, and emphasizes the importance of cooperation among stakeholders in the implementation of the United Nations Global Counter-Terrorism Strategy, including among States, international, regional and subregional organizations, the private sector and civil society, to address this issue, while respecting human rights and fundamental freedoms and complying with international law and the purposes and principles of the Charter of the United Nations, and reiterates that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, mutual respect and dialogue and understanding among peoples and peace, and in this regard notes with appreciation the constructive role played by the Cyber Observatory of Takfiri Fatwas in Egypt;

14. *Renews* its commitment to strengthening international cooperation to prevent and counter terrorism in accordance with the principles of international law, including the Charter of the United Nations, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

15. *Calls upon* all States to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

16. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

17. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

18. *Urges* States, the international community and civil society to take measures, including through education, awareness-raising, the media and human rights education and training, to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

19. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms;

20. *Requests* the Human Rights Council Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural

rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Human Rights Council at its thirty-ninth session, to be discussed during the interactive dialogue.